

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IOWA PUBLIC EMPLOYEES' RETIREMENT
SYSTEM, *et al.*,

Plaintiffs,

vs.

BANK OF AMERICA CORPORATION, *et al.*,

Defendants.

Case No. 17-cv-6221 (KPF)

**STIPULATED ORDER REGARDING EXTENSION OF
TIME FOR TAKING CERTAIN FACT DEPOSITIONS AND CLASS CERTIFICATION
DEADLINES**

WHEREAS, on May 26, 2020, this Court entered the Parties' Fourth Amended Civil Case Management Plan and Scheduling Order (the operative "Scheduling Order"), which set a deadline for the completion of fact depositions of October 16, 2020 (Dkt. 298);

WHEREAS, the parties have diligently pursued depositions to date, including remote depositions due to COVID-19, and by the October 16, 2020 deadline will have taken 95 depositions in this case, including and 63 depositions since virtual depositions began in June;

WHEREAS, the Parties conferred and agreed that, given the pendency of depositions and scheduling conflicts, it would not be feasible to schedule all fact depositions by the deadline;

WHEREAS, the taking of these certain fact depositions after October 16, 2020 will not prejudice the Parties with respect to their ability to satisfy any other deadlines under the Scheduling Order;

WHEREAS, Plaintiffs believe that challenges associated with COVID-19 as well as certain delays in the receipt and analysis of transactional data warrants a 45-day extension of the deadline for Plaintiffs' class certification motion and related deadlines, and Defendants do not oppose such an extension;

NOW, THEREFORE, the Parties jointly request that the Court order as follows:

- (1) certain previously noticed fact depositions may be taken after the October 16, 2020 deadline on or around dates mutually agreed upon among the Parties and respective non-party witnesses.
- (2) The deadlines for class certification will be set for the following dates:
 - a. Plaintiffs' motion for class certification and supporting expert reports be extended from December 21, 2020 to February 4, 2021;
 - b. Defendants to depose Plaintiffs' class certification experts be extended from March 5, 2021 to April 19, 2021.
 - c. Defendants' opposition to class certification and supporting expert reports be extended from April 9, 2021 to May 24, 2021.
 - d. Plaintiffs to depose Defendants' class certification experts be extended from June 14, 2021 to July 29, 2021.
 - e. Plaintiffs' reply in support of class certification be extended from July 16, 2021 to August 30, 2021.
- (3) All other dates set forth in the Scheduling Order will remain unchanged.

DATED: October 14, 2020

/s/ Michael B. Eisenkraft

Michael B. Eisenkraft
Christopher Bateman
David O. Fisher (pro hac vice)
COHEN MILSTEIN SELLERS & TOLL
PLLC
88 Pine Street, 14th Floor
New York, New York 10005
Telephone: (212) 838-7797
Fax: (212) 838-7745
meisenkraft@cohenmilstein.com
cbateman@cohenmilstein.com
dfisher@cohenmilstein.com

Julie Goldsmith Reiser (pro hac vice)
Emmy L. Levens (pro hac vice)
Daniel McCuaig (pro hac vice)
Robert W. Cobbs
1100 New York Ave NW, Suite 500
Washington, DC 20005
Telephone: (202) 408-4600
Fax: (202) 408-4699
jreiser@cohenmilstein.com
elevens@cohenmilstein.com
dmccuaig@cohenmilstein.com
rcobbs@cohenmilstein.com

***Attorneys for Plaintiffs Iowa Public
Employees' Retirement System, Los
Angeles County Employees Retirement
Association, Orange County Employees
Retirement System, Sonoma County
Employees' Retirement Association, and
Torus Capital, LLC***

Peter Safirstein
SAFIRSTEIN METCALF LLP
350 Fifth Avenue, 59th Floor
New York, New York 10118
Telephone: (212) 201-2845
psafirstein@safirsteinmetcalf.com

Counsel for Torus Capital, LLC

/s/ Daniel L. Brockett

Daniel L. Brockett
Sascha N. Rand
Steig D. Olson
Deborah K. Brown
Daniel P. Mach
David LeRay
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
danbrockett@quinnemanuel.com
sascharand@quinnemmanuel.com
steigolson@quinnemanuel.com
deborahbrown@quinnemanuel.com
danielmach@quinnemanuel.com
davidleray@quinnemanuel.com

Jeremy D. Andersen (pro hac vice)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
jeremyandersen@quinnemanuel.com

***Attorneys for Plaintiffs Iowa Public
Employees' Retirement System, Los Angeles
County Employees Retirement Association,
Orange County Employees Retirement
System, Sonoma County Employees'
Retirement Association, and Torus Capital,
LLC***

/s/ Adam S. Hakki

Adam S. Hakki
Richard F. Schwed
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, NY 10022
Telephone: (212) 848-4000
ahakki@shearman.com
rschwed@shearman.com

Michael P. Mitchell
401 9th Street, N.W.
Washington, D.C. 20004
Telephone: (202) 508-8100
michael.mitchell@shearman.com

***Attorneys for Defendants Merrill Lynch,
Pierce, Fenner & Smith Incorporated,
Merrill Lynch L.P. Holdings, Inc., and
Merrill Lynch Professional Clearing Corp.***

/s/ David G. Januszewski

David G. Januszewski
Herbert S. Washer
Elai Katz
Jason M. Hall
Sheila C. Ramesh
Margaret A. Barone
CAHILL GORDON & REINDEL LLP
80 Pine Street
New York, NY 10005
Telephone: (212) 701-3000
djanuszewski@cahill.com
hwasher@cahill.com
ekatz@cahill.com
jhall@cahill.com
sramesh@cahill.com
mbarone@cahill.com

***Attorneys for Defendants Credit Suisse AG,
Credit Suisse Securities (USA) LLC, Credit
Suisse First Boston Next Fund, Inc., and
Credit Suisse Prime Securities Services
(USA) LLC***

/s/ David. I. Gelfand

David I. Gelfand (*pro hac vice*)
Alexis Collins (*pro hac vice*)
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
2112 Pennsylvania Ave., NW
Washington, DC 20037
Telephone: (202) 974-1690
dgelfand@cgsh.com
alcollins@cgsh.com

Carmine D. Boccuzzi, Jr.
One Liberty Plaza
New York, NY 10006
Telephone: (212) 225-2508
cboccuzzi@cgsh.com

***Attorneys for Defendants EquiLend LLC,
EquiLend Europe Limited, and EquiLend
Holdings LLC***

/s/ Robert Y. Sperling

Robert Y. Sperling
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-7941
rsperling@winston.com

George E. Mastoris
Staci Yablon
200 Park Avenue
New York, New York 10166-4193
Telephone: (212) 294-6700
gmastoris@winston.com
syablon@winston.com

Richard C. Pepperman, II
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Telephone: (212) 558-4000
peppermanr@sullcrom.com

***Attorneys for Defendant Goldman Sachs &
Co. LLC***

/s/ Robert D. Wick

Robert D. Wick
Henry B. Liu
John S. Playforth
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
Telephone: (202) 662-6000
rwick@cov.com
hliu@cov.com
jplayforth@cov.com

***Attorneys for Defendants J.P. Morgan
Chase Bank, N.A., J.P. Morgan Securities
LLC, J.P. Morgan Prime, Inc., and J.P.
Morgan Strategic Securities Lending Corp.***

/s/ Alan J. Brudner

Alan J. Brudner
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue
New York, New York 10022-2585
Telephone: (212) 940-8800
alan.brudner@kattenlaw.com

David C. Bohan
Peter G. Wilson
Sarah K. Weber
525 West Monroe Street
Chicago, Illinois 60661-3693
Telephone: (312) 902-5200
david.bohan@kattenlaw.com
peter.wilson1@kattenlaw.com

***Attorneys for Defendants UBS AG, UBS
Americas Inc., UBS Securities LLC, and
UBS Financial Services Inc.***

/s/ Daniel Slifkin

Daniel Slifkin
Michael A. Paskin
Damaris Hernández
Lauren M. Rosenberg
CRAVATH, SWAINE & MOORE LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
Telephone: (212) 474-1000
dslifkin@cravath.com
mpaskin@cravath.com
dhernandez@cravath.com
lrosenberg@cravath.com

***Attorneys for Defendants Morgan Stanley &
Co. LLC, Prime Dealer Services Corp., and
Strategic Investments I, Inc.***

IT IS SO ORDERED.

DATED: October 14, 2020

A handwritten signature in blue ink, reading "Katherine Polk Failla".

THE HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK